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Date: October 7, 2008

Re: Application No. - 09/821,648

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1. Fax Cover Sheet (1 page)
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3. Request for Rehearing Under 37 CFR 41.52 (5 pages)

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October 7, 2008

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PTO/SB/21 (09-08)

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**TRANSMITTAL
FORM**

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Total Number of Pages in This Submission

| | |
|------------------------|-------------------|
| Application Number | 09/821,648 |
| Filing Date | March 29, 2001 |
| First Named Inventor | Zheng J. Geng |
| Art Unit | 2621 |
| Examiner Name | REKSTAD, Erick J. |
| Attorney Docket Number | 40398-0017 |

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| ENCLOSURES (Check all that apply) | | |
|--|--|---|
| <input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD | <input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): <ul style="list-style-type: none"> 1. Fax Cover Sheet 2. Request for Rehearing Under 37 CFR 41.52 |
| Remarks | | |

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

| | | | |
|--------------|---|----------|-------|
| Firm Name | Rader Fishman & Grauer PLLC | | |
| Signature |  | | |
| Printed name | Steven L. Nichols | | |
| Date | October 7, 2008 | Reg. No. | 40325 |

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Patent Application of

Zheng J. Geng

Application No. 09/821,648

Filed: March 29, 2001

For: Method and Apparatus for
Omnidirectional Imaging

Group Art Unit: 2621

Examiner: REKSTAD, Erick J.

Confirmation No.: 5727

REQUEST FOR REHEARING
UNDER 37 C.F.R. § 41.52

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Appellant respectfully requests rehearing under 37 C.F.R. § 41.52 and reconsideration of the Decision on Appeal in the above-identified patent application rendered August 11, 2008 (the "Decision"). Rehearing and reconsideration are respectfully requested based on the following arguments.

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Claim 1:

Claims 1-6 were rejected as unpatentable under 35 U.S.C. § 103(a) in view of the combined teachings of U.S. Patent No. 6,118,474 to Nayar (“Nayar”) and U.S. Patent No. 5,870,135 to Glatt et al. (“Glatt”).

Claim 1 recites:

A method for generating a selectable perspective view of a portion of a hemispherical image scene, comprising the steps of:
acquiring an omnidirectional image on an image plane using a reflective mirror that satisfies a single viewpoint constraint and an image sensor;
defining a perspective viewing window based on configuration parameters;
and
mapping each pixel in the perspective window with a corresponding pixel value in the omnidirectional image on the image plane using a look-up table based on the configuration parameters.

As the record shows, Nayar is cited because Nayar teaches the collection of a wide-angle image using a truncated, substantially paraboloid-shaped reflector.” (Nayar, abstract). However, in contrast to claim 1, Nayar fails to teach or suggest the claimed mapping of pixels from an omnidirectional image to a perspective viewing window “using a look-up table.” “Glatt teaches the mapping from a fish-eye lens (which is hemispherical) to cartesian coordinates using a look-up table.” (Action of 9/21/05, p. 2). Glatt describes in detail the equations that are used to map the image from the fish-eye lens. (Glatt, col. 7, line 46 to col. 8, line 43).

Glatt, however, does not teach or suggest how mapping would be performed using a look-up table for an image that comes, not from a fish-eye lens, but from a reflective mirror as claimed.

In the Decision, the Board agrees “with the Examiner that it would have been obvious to one of ordinary skill in the art at the time of the invention to have used a look-up table, as taught by Glatt, in the method taught by Nayar. (Ans. 4, 20-22.) This is no more than the

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combination of familiar elements according to known methods, with no unpredictable results." (Decision, p. 13). With all due respect, this conclusion cannot be supported by the evidence of record. Specifically, the Decision's conclusion improperly overlooks the fact that, while Glatt teaches mapping using a look-up table, Glatt only teaches how to map an image obtained from a fish-eye lens. There is no teaching or suggestion in the prior art of mapping portions of an omnidirectional image from a reflective mirror to a perspective viewing window.

According to the Decision, Appellant's claim presents "no more than the combination of familiar elements according to known methods, with no unpredictable results." (Decision, p. 13). This is clearly incorrect because the record is devoid of any prior art that teaches one of skill in the art how to map from an omnidirectional image from a reflective mirror to a perspective window.

The conclusion of the Decision rests on the unstated assumption that the same formula and technique taught in Glatt with respect to a fish-eye lens can be used with respect to an omnidirectional image from a reflective mirror, as claimed. There is absolutely no evidence to that effect on the record. There has been absolutely no analysis on the record as to how one of skill in the art would have modified the techniques and formula of Glatt to account for an image coming, not from a fisheye lens, but from a reflective mirror. Such an analysis is expressly required by *KSR International Co. v. Teleflex Inc.*, 550 U.S._, 82 USPQ2d 1385 (2007).

According to KSR, the test for determining if a claim is rendered obvious by one or more references for purposes of a rejection under 35 U.S.C. § 103 is set forth in *KSR International Co. v. Teleflex Inc.*, 550 U.S._, 82 USPQ2d 1385 (2007):

"Under §103, the scope and content of the prior art are to be determined; differences between the prior art and the claims at issue are to be ascertained;

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and the level of ordinary skill in the pertinent art resolved. Against this background the obviousness or nonobviousness of the subject matter is determined. Such secondary considerations as commercial success, long felt but unsolved needs, failure of others, etc., might be utilized to give light to the circumstances surrounding the origin of the subject matter sought to be patented." Quoting *Graham v. John Deere Co. of Kansas City*, 383 U.S. 1 (1966).

In the present instance, neither the Examiner nor the Decision has addressed or resolved the fundamental differences between the cited prior art and the claimed subject matter, including the differences between mapping images from fisheye lens (as in Glatt) and from reflective mirrors (as in claim 1). KSR further requires that this analysis be explicit on the record. "To facilitate review, this analysis should be made explicit." (*KSR International Co. v. Teleflex, Inc.*, 550 U.S. ____ (2007)). For at least these reasons, the Examiner has failed to make out a *prima facie* of unpatentability as to claim 1.

Appellant's specification describes at length the formula and techniques that would be employed to map pixels from the omnidirectional image of a reflective mirror to a perspective viewing window. The Examiner has failed to demonstrate how or where this subject matter is found in the prior art and would be within the purview of one of ordinary skill in the art. Consequently, the Examiner has failed to establish that the method of claim 1 is even enabled by the prior art, let alone rendered obvious. "In order to render a claimed apparatus or method obvious, the prior art must enable one skilled in the art to make and use the apparatus or method." *Beckman Instruments, Inc. v. LKB Produkter AB*, 892 F.2d 1547, 1551, 13 U.S.P.Q.2d 1301, 1304 (Fed. Cir. 1989); *In re Payne*, 606 F.2d 303, 314, 203 U.S.P.Q. 245, 255 (CCPA 1979).

Again, the current record fails to take into account or to explain how one of ordinary skill in the art would have leaped the gap of mapping from a fish-eye lens (as in Glatt) to mapping from an omnidirectional image of a reflective mirror (as in Claim 1). Clearly, the

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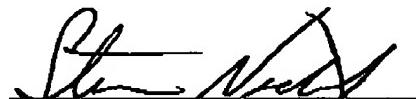
09/821,648

formula and techniques taught by Glatt are *not* those disclosed in Appellant's specification. Consequently, there appears to be no evidence in the record on which the Board can rest its conclusion that claim 1 is "no more than the combination of familiar elements according to known methods." (Decision, p. 13).

For at least these reasons, Appellant respectfully requests that the Board reconsider and withdraw the Decision as unsupported by the evidence of record.

In view of the foregoing, it is submitted that the final rejection of the pending claims is improper and should not be sustained. Therefore, a reversal of the Final Rejection of September 21, 2005 is respectfully requested.

Respectfully submitted,

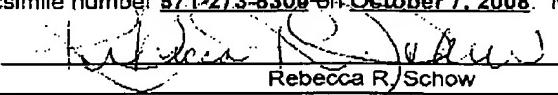

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